



2003 Legislative Session

A Report to the People
By
State Senator Lesley "Les" Miller, Jr.

Committee Assignments:

- ◇ Governmental Oversight and Productivity, Vice Chairman
- ◇ Appropriations
- ◇ Appropriations Subcommittee on Education
- ◇ Commerce, Economic Opportunities, and Consumer Services
- ◇ Communication and Public Utilities
- ◇ Home Defense, Public Security, and Ports
- ◇ Rules and Calendar
- ◇ Select Committee on Automobile Insurance/PIP Reform, Vice Chair
- ◇ Legislative Budget Commission
- ◇ Legislative Committee on Intergovernmental Relations

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Dear Friends:

As you know the 2003 Florida State Legislative Session was a most difficult and trying one. Legislators were faced with the challenge of trying to meet the needs of all Floridians in spite of a budget shortfall. Our solutions to this difficult tasks leaves a lot to be desired, but we did the best we could under the circumstances.

It took and additional three Special Sessions for legislators to bring about what I consider to be a temporary solution to our apparent medical mal practice insurance crises.

I want you to know that I worked hard, engaged in some thoughtful issue searching and sought the opinion of many of my constituents in trying to do what was best for the citizens of this state.

Thank you for allowing me to serve you and always feel free to contact my office with problems, suggestions, for information or constructive criticisms.

Sincerely,



Lesley Les Miller, Jr.
Senator District 18

“Senator Miller Elected to Key Position in Democratic Caucus”

Senator Miller has been elected Democratic Leader Pro Temp for the Democratic Legislative Caucus. He served in this position last Session and will do the same next Session. Senator Miller is also slated to become the next Democratic Leader in the Senate. This puts the District 18 Senator in position to become President of the Senate should the Democrats gain control of the Senate.

Miller held the position of Democratic Leader when he was a member of the Florida House of Representatives. Miller will be the first African American to hold that position in both the Florida House of Representatives and the Florida Senate. Miller is pleased to be so recognized by his colleagues.

Miller sees his leadership position as an ideal opportunity to work with other Legislators to better serve all the people of the State of Florida.

“Medical Malpractice Insurance Consumes Legislators”

Going into the 2003 Legislative Session, both the Legislature and the Governor knew that soaring cost of medical malpractice insurance would be among their biggest problems. But neither knew just how big the problem would be. The House of Representatives had its ideas as to how the problem should be solved and so did the Senate and the Governor.

The problem was that there were some major differences in how these problems should be solved. The biggest sticking point was the size of the cap. The Governor and the House wanted the cap at \$250,000 while the Senate sought a cap of at least \$500,000 dollars. A compromise was reached.

The compromise called for a \$500,000 dollar cap for non economical damages or pain and suffering. The compromised would also allow for a \$1 million dollar claim against the doctor and a \$1.5 million against the hospital in gross medical malpractice cases.

Few Legislators were completely satisfied with the bill that they passed, but they all agreed that it is better than what we had. I suppose Legislators will revisit this issue in the future.

Senator Lesley Miller teams up with other State Lawmakers to enact Senate Bill 40A, Insurance Consumer Protection

The purpose of Senate Bill 40A is to regulate and limit the use of credit reports and credit scores by insurers for the purpose of underwriting and rating personal lines motor vehicle insurance and personal lines residential insurance. Insurers believe that the use of credit report and credit scores, combined with the traditional underwriting tools, could improve their ability to forecast future losses or claims.

Unknown to the consumer was the fact that multiple lender inquiries within 30 days, living within certain zip codes, attempting to establish new credit, and numerous credit inquiries into ones credit history, were taken into consideration by insurers when issuing coverage to the insured.

Because of this good bill, insurers are now required to identify items in the credit report which may have caused an adverse decision. As a means to keep rates fair and competitive, insurers have agreed to a periodic reevaluation of the credit history of an insured that was adversely affected by the use of credit reports and scores. Insurers are also prohibited from requesting a credit report based upon the race, color, religion, marital status, age, gender, income, national origin, or place of residence.

2003 Bills Sponsored by Sen. Miller

SB 0050 Neighborhood Crime Watch Programs
SB 0604 Substance Abuse & Crime Prevention
SB 0608 Limitation of Actions/Sexual Battery
SB 1538 Public Student Asst. Grant Program
SB 2232 Real Estate Taxation/Disabled Person
SB 2448 Employment of Former Offenders
SB 2624 Fla. Black Business Investment Board
SB 0042A Public-Records/Credit Scoring Info.

2003 Bills Co Sponsored by Sen. Miller

SB 0326 Alcoholic Beverage/Underage Employee
SB 0514 HIV & AIDS/Health Department
SB 1010 Agency for Health Care Admin.
SB 2322 Medically Needy Programs
SB 0046A Florida Civil Rights Act of 1992
SB 1166 Equal Rights for Men & Woman

Resolutions

SB 2510 Earl J. Lennard, Ph.D.
SB 2810 Robert W. Saunders, Sr.
SB 2530 Tampa Catholic High School
SB 2542 Tampa Bay Buccaneers

2003-2004 *Legislative Survey*

Name: _____ Phone#: _____
Address: _____ E-Mail: _____

Please take a moment to share your opinions with State Senator Lesley J. Miller, Jr.

HEALTH CARE

How would you rate the access you have to qualify, affordable health care?

☐ Excellent ☐ Good ☐ Not so good ☐ Poor

Do you support or oppose providing tax credits to small business for creating jobs that provide health insurance?

☐ Support ☐ Oppose

Should children insurance programs that provide affordable health care for uninsured children be cut to balance the budget or protected from budget cuts?

☐ Cut to balance budget ☐ Protected from cuts

ECONOMY

In the last six months, has the economy in Hillsborough County improved, worsened or stayed the same?

☐ Improved ☐ Worsened ☐ Stayed the same

In the last four years have your taxes increased, decreased or stayed the same?

☐ Increased ☐ Stayed the same ☐ Decreased

Which should be a priority for the Florida Legislature?

- ☐ Tax cuts to stimulate the economy, or
- ☐ Investments in education, health care and small business to create jobs?

Much has been said about this difficult budget year, and perhaps more budget shortfalls. Which of the following do you feel is the best way to deal with budget shortfalls in Florida? Rank in order.

- ☐ Cut government spending
- ☐ Eliminate special interests' sales tax exemptions
- ☐ Repeal costly constitutional amendments
- ☐ Roll back tax breaks for special interests
- ☐ Increase the sales tax

Other:_____

Will eliminating special interest sales tax exemptions make the tax system more fair for everyone, or just increase taxes for the average Floridian?

- ☐ Make system more fair
- ☐ Increase our taxes

Should the Legislature offer more tax cuts in tight budget years while also struggling to fund priorities like education and health care?

- ☐ More tax cuts
- ☐ Fund priorities before more taxes

What are the three most important issues facing Florida?

- ☐ Improving public education
- ☐ Cutting taxes
- ☐ Improving the economy/Creating jobs
- ☐ Reducing crime
- ☐ Expanding choices in health/medical care
- ☐ Protecting the environment

Other:_____

EDUCATION

Which of the following proposals do you feel is the best way to improve public education? Please rank in order.

- ☐ Lowering class size
 - ☐ Increasing discipline
 - ☐ Increasing accountability
 - ☐ Expanding vouchers
 - ☐ Raising teacher salaries
- Other:_____

The Bright Futures & Pre-paid Tuition Programs were threatened this year due to budget shortfalls. Some suggested this year that these programs should be cut back, others felt the programs should be protected. Which statement best describes your opinion?

- ☐ Bright Futures and The Florida Pre-paid Tuition Programs should not be cut to balance the budget, or
- ☐ These programs should be cut

Should charter schools and private schools receiving public funds be held to the same standards and testing requirements as public schools?

- ☐ Yes
- ☐ No

Should the Florida Comprehensive Academic Test (FCAT) be the determining factor for high school graduation or grade promotion, if a student successfully meets all other requirements?

☐ Yes ☐ No

BUDGET

During the 2003 State Legislative Session, state lawmakers were called to Tallahassee to create and implement a balance spending plan that would rid Florida of its budget crisis and meet the needs of its citizens. Instead, Legislators were forced to approve a bill that will have a devastating impact on Florida's education system, transportation, state agencies, community prevention programs, tourism and the future of Florida's program-specific Trust Funds.

Throughout this contentious budget process, lawmakers continued to take into consideration the request of state agencies, heard the concerns of constituents, legislature and the recommendations made by the Governor. Because of reduced revenue, there was sharp disagreement about where the cuts were needed, and where they would be made. The Senate was also reluctant to endorse a spending plan that shifted so much of the state's responsibilities onto the local level.

In response to the stalemate, lawmakers were summoned back to Tallahassee by the governor to try once again to reach a budget compromise. The 2003 Special Session A produced a \$53.5-billion budget but, as many of my Senate colleagues warned during the debate, I remain concerned that the spending plan forces deep cuts in public school funding, mandates college tuition increases – university students will pay 8.5 percent more while community college students will see their tuition rise by 7.5 percent, forces counties to increase fees for services, and most importantly, raids trust funds of millions of dollars - \$843 million was taken and shifted to general revenue - that will not be available next year.

The budget passed during this summer's first Special Session did have some positive elements. After much debate and negotiation, the Life-Saver Rx program was approved –an initiative that will reduce the cost of prescription drugs for thousands of more seniors in our state. And, thanks largely to the efforts of the Senate, the Medically Needy Program was reinstated and will continue to serve the over 47,000 desperately ill participants of the program, including transplant patients.

Though the budget as a whole was not commendable, these two components will certainly benefit many Floridians.

AGRICULTURE

Migrant Farm Workers (SB 0616) - This bill was filed as a result of migrant farm workers and some of their leaders expressing their concerns to Senator Miller. As we all know, migrant farm workers face some grave situations such as low wages, mistreatment and inadequate housing. This bill would have helped guard against the mistreatment and protect the health and safety of migrant farm workers and other occupants of migrant labor camps or residential migrant housing.

Immigration & Nationality Act (SM 1008) - This Senate Memorial urged Congress to amend the Immigration and Nationality Act and provide assistance to unaccompanied minor children in immigration proceedings. It would also establish a panel of advisors outside of the Immigrations and Naturalization Service to serve as guardians ad litem to assist unaccompanied minors in immigration proceedings.

Animal Fighting & Baiting (HB 1911) – This bill amends the Florida Statute by regulating certain acts associated with animal fighting or baiting. Additionally, this bill will make it a third-degree felony to breed, train, transport, sell, own or possess an animal or equipment for the purpose of animal fighting. The penalty for attending or betting on animal fighting has been increased from a misdemeanor to a third degree felony as well. The court system now has the authority to prohibit a person convicted of animal cruelty from dealing with any animal of the same species for a discretionary period of time.

CHILDREN AND FAMILIES

Child Abuse / Religious Institutions (CS/SB 0606) - This Committee Substitute would have amended Florida Statue 39.201 by adding individuals who are employed or supervised by religious institutions or by entities affiliated with such institutions to the list of persons that are already required to report to the Department of Children and family Services their knowledge or reasonable suspicion of child abuse, abandonment or neglect.

Rilya Wilson Act (CS/CS/SB 1318) - Florida and its agencies that protect our youth have been put on center stage for their mishandling of children and family cases. Therefore, Senator Miller cosponsored a bill that would allow the education system to set forth requirements for attendance and reporting absences to facilitate the quick identification of children that are missing. This bill also modified the school readiness programs to minimize the risk of further abuse, neglect or abandonment of children ages 3 to school entry.

Child Protective Investigators (CS/SB 1442) – The focus of this bill is the retention of child protective investigators by modifying the investigation process to provide a two-tiered process with different levels of investigative activities. Protective Investigator Retention Workgroups will be established to address a number of issues pertaining to the retention of good investigators. Some of the activities conducted during the workshops will include: examination of the investigative process to identify efficiencies, determining the appropriate handling of child abuse cases in the Department of Juvenile Justice facilities, examining the qualifications desired for protective investigators and their supervisors, developing a plan for training investigators and developing a plan for building communication and recognition of staff.

Commerce and Economic Opportunities

Unemployment Compensation Hearings (SB 0620) - This bill requires that all parties involved in a hearing on an appeal of a claim for unemployment compensation be notified of the hearing by certified or registered mail. This bill also establishes guidelines for the time the claimant or any other parties that are entitled to a notice of determination, have to respond to the hearing and it also insures that all parties of record have knowledge of the proceedings.

Economic Stimulus (CS/CS/CS/SB 2328) - In an attempt to stimulate and attract business interest in urban areas, Senator Miller offered a bill that would have stimulated job creation in distressed urban areas by modifying the Urban High-Crime Area Job Tax Credit by increasing local designation of zones, expanding eligible industries, removing references to high crime and allowing the transferability of unused credits.

Employment of Former Offenders (SB2448) - This bill would have created jobs through out the State of Florida by requiring the Department of Corrections to cooperate with possible employers in identifying former offenders who have obtained job skills and who are employable. Companies that hire employable offenders upon their release would be issued a tax credit voucher for use against their tax liabilities. Unfortunately, this bill did not pass.

Fla. Black Business Investment Board (CS/SB 2624) - Currently, only financial institutions are authorized to provide working capital to minority vendors. This Committee Substitute sponsored by Senator Miller will authorize the FBBIB and its' BBIC's to participate in the Florida Minority Business Loan Program which will allow them to enter into working capital agreements with black business enterprises that are awarded state contracts.

COMPREHENSIVE PLANNING

Neighborhood Crime Watch Programs (SB 0050) - This bill would have made it a misdemeanor of the first degree for a person to willfully harass a person who is a member of neighborhood crime watch program. Senator Miller will sponsor this bill again next session.

Adult Entertainment Establishments (SB-198) – Senator Miller sponsored this bill with hopes of protecting our school children from the secondary effects caused by adult entertainment facilities located too close to our schools. This bill would have prohibited Adult Entertainment Establishments that displays, sells or distributes harmful materials to minors within 2500 feet of a school. These establishments would have needed approval from the county, municipality and the school district.

Private Fire Hydrants / Inspection (SB 0619) - Current law requires private fire hydrant owners to maintain fire hydrants according to certain standards. Senator Miller sponsored this for the purpose of allowing private fire hydrant owners to contract with the local fire-controlling authorities or any licensed professional fire hydrant inspectors to install, maintain and inspect their private fire hydrants. Improperly maintained private fire hydrants have become a public safety issue.

CRIMINAL JUSTICE

Limitation of Actions/Sexual Battery (SB 0608) - This bill has the support of the State Attorney's Association throughout Florida and would have served as a tool in the effective prosecution of criminals. This bill would have allowed the prosecution of perpetrators of crimes whose identity is confirmed through DNA after normal statute of limitations has expired.

Department of Corrections (HB 3-D) - Because of this bill, the DOC will be provided with money for the operations and construction of new prison beds to meet the increased prison population projected by the Criminal Justice Estimating Conference (CJEC) on July 9, 2003. This bill serves as a mechanism

Prisoner Gain-Time/Good Conduct (0618) – Senator Miller sponsored this bill at the request of the citizens from all around the State. On a daily basis, the Senator was contacted by emails, telephone calls, and office visits. This bill would have implemented gain-time awards for behavior and increased the amount of gain-time that the Department of Corrections may grant to certain prisoners. As a means to encourage good behavior, the DOC would be able to grant gain-time at the rate of 10 days each month. As an additional consideration, the DOC would have been able to grant gain-time to those that work diligently and participate in specified training programs. However, this does not apply to prisoners convicted of forcible felonies or serving life sentences.

Adult Video Games (SB 2024) - Prohibits the sale, resale or rental of adult video games containing images of excessive violence, nudity or sexual content, to persons under 18. This bill requires patrons to present proof of age before purchasing games labeled restricted, mature or other similar warnings. This bill also requires that games sold or rented in Florida contain a clearly displayed rating label on the outside of the packaging. It requires operators of business where mature content games are shown, displayed or exhibited, to require proof of age before giving user access to restricted games. Requires business where mature content games are shown, displayed or exhibited to separate the restricted games from general content games by some type of barrier (i.e. wall, curtain, rope, etc.). This bill would have made the sale of “adult content games” to a person under 18 a felony of the third degree.

Identity Theft (CS/CS/SB 1072) - This bill amends the Florida Statue making it a second degree felony with a mandatory minimum sentence of three years imprisonment for a person to willfully and without authorization fraudulent use personal identification information without obtaining consent. The bill also changes the definition of “personal identification information” to include a bank account or credit card number. More and more, hard working citizens are falling victims to this kind scam.

EDUCATION

School Board Members/Legislators/Terms (SJR 0612) – Senator Miller sponsored this bill at the request of a large majority of his constituents. Term Limits have already been established for legislators, County Commissioners, City Council members and even the Governor. Therefore, school board members should have term limits. If it would have been adopted, the bill would have imposed term limits of twelve consecutive years as well as guarded against careerism. Senator Miller will also sponsor this bill again next year.

Public Student Assistant Grant Program (SB 1538) - The purpose of this bill was to amend the Florida Public Student Assistant Program. This program is one of the State's largest need based financial assistance programs. Senator Miller wanted to make the needed changes to this program that would have resulted in a greater number of students qualifying for the public student assistant grant and increased the amount received.

Moffitt Cancer Center/Public Records (CS/SB 2216) - This committee substitute sponsored by Senator Miller, expands the Public Records exemption for the H. Lee Moffitt Cancer Center and Research Institute, its' not-for-profit corporation and its' subsidiaries. This CS would have conformed the Moffitt public record exemption for information concerning intellectual property and research discoveries to the same exemption from the public records law that State Universities divisions of sponsored research have under existing law.

Quality Education / Class Size / Drop (S 30-A) - Quality Education/Class Size reduction This bill implements the class size requirements which provide that beginning in the 2010 school year, the maximum number of students assigned per teacher for pre-kindergarten through grade 3 may not exceed 18 students; grades 4 through 8 may not exceed 22 students and grades 9 through 12 may not exceed 25 students. This bill also includes language that amends the provisions of the Deferred Retirement Option Program (DROP) relating to members that are instructional personnel in K-12 schools and the Florida School for the Deaf and the Blind

HEALTH, AGING AND LONG TERM CARE

Substance Abuse & Crime Prevention (SB 0604) - Senator Miller had hopes that this bill would enhance public safety by reducing drug related crime and preserving jail cells for serious and violent offenders. This bill would have saved the tax payers millions of dollars each year by placing the non-violent drug offenders in community based drug prevention and treatment programs. It is estimated that our prison system is becoming overcrowded with the increase lock up of drug offenders.

H. Lee Moffitt Cancer Research and Research Institute (CS/SB2212) – This committee substitute would exempt the Moffitt Cancer Center from the Florida Property Insurance Trust Fund as long as the Center maintains private property insurance that provided comparable coverage.

Medically Needy Program (SB 2322) - The cost of outpatient prescription drugs, which are not covered by Medicare, represent a serious financial burden for many elderly persons. This bill creates the Sunshine for Seniors Program. This program assist low income individuals obtain prescription drugs free or at reduced prices. This bill appropriated \$226,660 dollars to the Department of Elderly Affairs to implement this program. This is a good and needed bill. It is not ideal but it is a start towards assisting the medically needy.

JUDICIARY, ETHICS AND ELECTIONS

Florida Civil Rights Act of 1992 (SB 0046A) – Senator Miller and other State legislators combined their efforts to sponsor this bill that will amend the Florida Civil Rights Act. It gives the Attorney General the independent authority to initiate upon reasonable cause a civil action for damages, injunction relief, civil penalties up to \$ 10,000 per violation and other appropriate relief caused by patterns of discrimination. Current law prohibits discrimination in inns or lodging with 5 or more rooms. This new legislation prohibits discrimination in inns or lodging with 4 or more rooms. With the passage of this bill, Florida will join the ranks of eight other states that have made some variations to the language in their civil rights act.

Felony Offender's Right to Vote (SB 1264) – In the past, the Department of Corrections had been lackadaisical when it came to providing proper assistance to ex-felons attempting to restore their civil rights. Senator Miller feels that this grave injustice has to come to an end. This Joint Resolution by Senator Miller and other State legislators is a step in the right direction towards assisting ex-felons, who have served their time and debt to society. The proposed amendments to the State Constitution would allow for the restoration of a felony offender's right to vote and hold office upon the completion of incarceration and post conviction supervision.

MILITARY AFFAIRS AND GOVERNMENT OVERSIGHT

The Rights of the Members of the United States Armed Forces (CS/SB 1098) - This committee substitute addresses several issues that have been identified by the Florida National Guard during their recent deployment which could be changed to help situations unique to service members during deployments.

- Prohibit discrimination when renting to military personnel
- Provide early termination of residential rental agreements under certain circumstances.
- Clarifies and expand the pay and leave of absence provisions.
- Provides for 100 percent refund auto insurance when a member is relocated or called to active duty.

Medal of Heroism (SB 1992) - In support of those in uniform, Senator Miller cosponsored this bill authorizing the Governor to award the Medal of Heroism to law enforcement officers, correctional officers, probation officers, firefighters, and emergency medical technicians. This award would be given to those who have engaged in hazardous or perilous activities to preserve lives with the knowledge that such activities might result in great harm to their own lives.

TRANSPORTATION

Vehicle Weight (SB 0202) – It is believed that some in the trucking industry support the theory that bigger is better when it comes to meeting the demands of hauling freight. However, these overweight vehicles are causing massive deteriorating of Florida's highways. Senator Miller's bill proposed a penalty schedule for overweight vehicles that are damaging the highways and creating safety concerns.

Bus Transportation (SB 0614) - Because of this bill, driving records of all school bus drivers and drivers of non-public sector buses will be checked at least once a year. This bill also has a cost saving measure that will permit public schools to contract with private schools for the purpose of providing transportation to locations within a close proximity. This bill simply encourages private schools and public schools at the local levels to provide transportation to public and non-public school students when those buses are not at capacity and traveling to close destinations. The Public School Districts and the Florida Catholic Conference endorsed this bill.

Passengers/Exterior of Vehicle (SB 1422) – This bill specifies that no minor child 16 years of age or younger shall ride upon the public roads of the state within the body of a open pickup truck or flatbed truck unless the minor is restrained within by modifications that include secure seating and safety restraints that would prevent the minor from being ejected. However, the bill authorizes a county or municipality to adopt an ordinance authorizing persons to ride in the back of pickup and flatbed trucks.

Florida High-Speed Rail Authority (SB 2140) - In 2000, the citizens of Florida approved a constitutional amendment that authorized the state to begin construction of a high-speed rail system. Florida has been ready for a transportation system that would reduce traffic congestion and provided alternatives to the traveling public gives the High-Speed rail Authority the ability to request the State of Bond Finance to issue revenue bonds to build the high-speed rail system.

BANKING AND INSURANCE

Motor Vehicle Insurance (PIP) (CS/SB 32-A) This bill addresses the rising cost of motor vehicle insurance as well as the problem of fraud and abuse which affect Florida's no-fault insurance system. It also strengthens anti-fraud provisions and health care clinic regulations, increases criminal penalties, provides for billing and coding requirements and revises the calculations of deductions.

Workers Compensation (SB 50A) – This bill made changes to the workers compensation system this bill provides changes to the workers compensation system that are designed to expedite the dispute resolution process, provide greater compliance and enforcement authority for the Division of Workers Compensation to combat fraud, revise certain indemnity benefits for injured workers, increase medical reimbursement fees for physicians and surgical procedures, and increase availability and affordability of coverage.

FINANCE AND TAXATION

Tax Amnesty (CS/SB 18-A) - This bill creates an amnesty program for a four month period beginning July 1, 2003 until October 31, 2003, for tax payers subject to taxes administered by the Department of Revenue. Under this program, eligible taxpayers who pay delinquent taxes will not have to pay any penalties, will not be subject to criminal prosecution and will receive an interest waiver of 25% or 50%, depending on the circumstances. This bill also increases the interest rate on tax delinquencies from the prime rate to prime plus 4 four percentage points and provides an appropriation of \$610,000 from the General Revenue Fund to the Department of Revenue to implement the amnesty program.